

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LOTTIE CRUMP,

Plaintiff,

v.

FLUID HANDLING, LLC., XYLEM, INC.,

Defendants.

17-CV-45
DECISION AND ORDER

On January 13, 2017, the plaintiff commenced this action. Docket Item 1. On April 17, 2017, this Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 8. On August 13, 2018, the defendants moved for summary judgment, Docket Item 35; on August 31, 2018, the plaintiff responded, Docket Item 38; and on September 7, 2018, the defendants replied, Docket Item 39 and moved to strike evidence, Docket Item 40. On March 29, 2019, Judge McCarthy issued a Report and Recommendation ("R&R") recommending that the defendants' motion for summary judgment should be granted and finding that the defendants' motion to strike should be denied. Docket Item 42. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ.

P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge McCarthy's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge McCarthy's recommendation to grant the defendants' motion for summary judgment.

For the reasons stated above and in the R&R, the defendants' motion for summary judgment, Docket Item 35, is GRANTED; the complaint, Docket Item 1, is dismissed; and the Clerk of Court shall close the file.

SO ORDERED.

Dated: May 15, 2019
Buffalo, New York

s/Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE